IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6281 of 2007()

CRIME NO. 104/07 OF PERAVOOR POLICE STATION

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PETITIONER/ACCUSED NO.1

AJITH KUMAR, S/O KUNHIRAMAN,
AGED 32 YEARS, POKKANAVAM HOUSE,
ERUVESSI AMSOM, DESOM, P.O.ERUVESSI,
THALIPARAMBA TALUK.

BY ADV. SRI.P.BABU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6281 of 2007

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Dated this the 17th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He as well as his mother face allegations under Section 498A I.P.C. The marriage took place on 11.9.2005. No children are born in the wedlock. It is alleged that the petitioner is guilty of matrimonial cruelty of a culpable variety against the defacto complainant. Crime has been registered. Investigation is in progress. There is a further allegation that the petitioner has contracted a subsequent marriage also.

2. The learned counsel for the petitioner submits that the allegations are totally false. There is strain in the marital tie and on account of such strain, fanciful, false and exaggerated allegations are being made against the petitioner. The petitioner may be saved of the undeserved trauma of arrest and incarceration in prison, submits the learned counsel.

3. The learned Prosecutor does not oppose the application. In the circumstances of the case, I am satisfied that directions under

Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 24.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 25.10.2007 and 26.10.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 24.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 24.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 24.10.2007.

(R. BASANT)
Judge

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